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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

JEREMY N. BARR,

Defendant and Appellant.

A143405

(Alameda County
Super. Ct. No. H55837)

Jeremy N. Barr appeals following his plea of no contest and his resulting sentence to one count of assault with a deadly weapon. (Pen. Code,¹ § 245, subd. (a)(1).) Appellant's counsel has filed an opening brief in which no issues are raised, and asks this court for an independent review of the record as required by *People v. Wende* (1979) 25 Cal.3d 436. Counsel has declared that appellant has been notified that no issues were being raised by counsel on appeal, and that an independent review under *Wende* instead was being requested. Appellant was also advised of his right personally to file a supplemental brief raising any issues he chooses to bring to this court's attention. No supplemental brief has been filed by appellant personally. Having reviewed the record and finding no arguable issues, we shall affirm.

BACKGROUND

By complaint filed August 16, 2006, appellant was charged with committing a knife assault against John Thomas, causing great bodily injury. (§§ 245, subd. (a)(1),

¹ All further undesignated statutory references are to the Penal Code.

12022.7, subd. (a).) The complaint also alleged appellant had a prior felony conviction for one count of possession of a controlled substance (Health & Saf. Code, § 11350, subd. (a)), for which he received probation.

On April 24, 2014,² appellant pleaded no contest to assault with a deadly weapon, and the special enhancement was dismissed. Appellant was admonished about the rights he was waiving by pleading no contest, and he acknowledged that he was doing so voluntarily and knowingly. The trial court found a factual basis for the plea based on the police report, a summary of which was included in the probation officer's report. According to the summary, on August 6, 2005, at 4:45 a.m., Hayward police officers responded to a report of a stabbing. Appellant had been in the company of a female, who is the mother of his two children, along with another adult female and Thomas; appellant's children were also present. The four adults had been drinking. Appellant and Thomas got into a verbal confrontation that turned physical. The two women stopped the altercation. Approximately 15 minutes later, appellant and Thomas left in appellant's vehicle. About 15 minutes after the two men left, Thomas returned and said that defendant had stabbed him; Thomas was treated at a nearby hospital.

On July 16, 2014, the trial court sentenced appellant to the low term of two years and custody credits totaling 186 days were awarded. Restitution fines were imposed, including victim restitution in the amount of \$2,917.66.

DISCUSSION

Upon our independent review of the record, we conclude there are no meritorious issues to be argued, or that require further briefing on appeal. At all relevant times, appellant was represented by counsel. There is a factual basis for the plea and appellant was advised of the rights he waived and the consequences of entering a plea. The sentence appellant received, including the restitution fines, penalties and conditions imposed, were supported by the law and facts.

² It appears from the record that the eight-year gap between the time of the complaint and the time of the plea is due to the fact that appellant had been living out of state.

DISPOSITION

The judgment is affirmed.

Reardon, Acting P.J.

We concur:

Rivera, J.

Streeter, J.